

DECISION NOTICE

HUGHES LIVESTOCK COMPANY/DIPPING VAT COULEE ACQUISITION

Prepared by Region 4, Montana Fish, Wildlife & Parks
August 2, 1999

PROPOSAL

The MFWP proposes to purchase a 2143.13 acre inholding located on the eastern edge of the JRWMA from the Hughes Livestock Company. The property is located about 10 miles southwest of Utica in Judith Basin County. The purchase price is \$1,137,660.90 and the funds will come from the Habitat Montana Program.

The property is classified as Intermountain Grassland and serves as important winter range for a significant portion of the Little Belt Mountains elk population. The Habitat Montana Program recognizes this habitat type as one of the important and/or threatened plant communities that are worthy of perpetual conservation. Department ownership of the property will allow for consolidation of the JRWMA and management of the land for wildlife values in perpetuity.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

MFWP is required to assess impacts to the human and physical environment under the Montana Environmental Policy Act (MEPA). The Hughes Livestock Company/Dipping Vat Coulee Acquisition proposal and its effects were documented by MFWP in an Environmental Assessment (EA).

A 30-day public comment period ran from 29 June 1999 through 29 July 1999. Public notices of the proposed action were placed in area newspapers (Great Falls and Stanford) and a public hearing was held at the Stanford City Hall on 22 July 1999. Approximately 90 copies of the EA packet (EA, Management Plan, Socio-Economic Assessment) were distributed to adjacent landowners, sportsmen groups, County Commissioners, and other interested parties. In addition, representatives of MFWP met with the Judith Basin County Commission to explain the proposal and to answer questions. Adjacent and nearby landowners were also contacted and given a copy of the documents.

SUMMARY OF PUBLIC COMMENTS

Public Hearing

A public hearing was held in the Stanford City Hall on 22 July 1999 at 7 p.m. Seventeen people other than department personnel attended. Many of those in attendance were adjacent or nearby neighbors to the property in question. Two Judith Basin County Commissioners were also in attendance.

Hearing officer Graham Taylor explained the format and purpose of the meeting. Copies of the EA packet were made available to all attendees. Following the information presentation by wildlife biologist Thomas Litchfield, a question and answer session ensued. Specific questions about the Hughes Livestock Company proposal were asked and acceptable answers provided. Five people and one sportsmen's organization testified to allow their opinions towards the project proposal made a matter of record. Two individuals and the sportsmen's association went on record as supporting the proposal, one individual offered support with a change to the proposal, one was neutral, and one individual was against the proposal. Specific issues raised included: why does the government need to acquire more land – the government has no right to land; will need the land to raise food on in the future; the MFWP is paying an exploded figure for the property; PILT payment fluctuates; how big is the JRWMA going to get; why close the mountain lion season if the property is purchased; is the proposed hunting scenario an optimum use of elk; motorized use and road/parking lot development; concerns over the use of prescribed burning; and a question regarding current and past elk numbers.

Additional Comments

Written comments were received from 60 additional persons or organizations. One individual telephoned to voice his opinion regarding the proposal. All comments were in favor of the proposal with the exception of one individual. Questions and additional issues not raised at the public hearing were posed as follows: proposal poor excuse to expand your area for permit-only hunting; and getting more land at the expense of taxpayers.

ISSUES

Some issues were raised that were common to more than one respondent. For this reason, similar issues were consolidated for response.

Issue 1. Why does the government need to acquire more land? The government has no right to land.

RESPONSE:

The MFWP is authorized by statute (87-1-201) to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed HB 526, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement, or fee title acquisition (87-1-241 and 242). This is now referred to as the Habitat Montana Program. Several plant communities have been identified by the MFWP as being vitally important to Montana's wildlife resources and deserving of conservation. The proposal property is representative of one of these communities and has been offered for sale to MFWP by the owners on a 'willing-seller' basis. Subdivision has and is occurring in the area. The property was offered to the MFWP and due to its value for wildlife and the inholding nature of the parcel with the JRWMA, it was deemed worthy of purchase and a sound use of Habitat Montana funds. In all the years over which the MFWP has been acquiring land it has accumulated an amount equal to about 1/3 of 1 percent of the total acres in the state.

Issue 2. The country will need the land to raise food on in the future.

RESPONSE:

The proposal property is located in the Pigeon Basin area of Judith Basin County. The terrain is composed of mountain foothills that receive less precipitation than the surrounding foothill areas. Currently there are no cultivated crops being produced on the property and to do so would be a marginal venture at best. The property does provide good range for grazing, however. The property has been traditionally grazed by livestock and will be in the future on a more closely managed basis. Wildlife use of the property will be maintained and increased through habitat management practices. Both the livestock and the wildlife will be made available for human consumption. In the future, if society deems a higher use for this land, it will have been maintained in an open condition, with all of the food producing options associated with it, still intact. Subdivision of the property would remove these options.

Issue 3. The MFWP is paying an exploded figure for the proposed acquisition property.

RESPONSE:

Two land appraisals were conducted on the proposal property. The results of these appraisals were estimates of \$430/acre and \$600/acre. MFWP's offer of \$530/acre is just slightly above the midpoint between these two appraisals.

Issue 4. PILT (in-lieu-of taxes) payments fluctuate. MFWP getting more land at the expense of taxpayers.

RESPONSE:

The Judith Basin County treasurer shall assess an in-lieu-of payment from the MFWP at a rate equal to what the property taxes would be if the parcel were owned by a private citizen. Any fluctuations in the PILT payment would be due to fluctuations in the tax rate within the County. The Hughes Livestock Company will continue operations in Judith Basin County but under more consolidated ranch holdings. Also, taxes on cattle may cease to be collected in the future. Recreational use of the proposal property and the recreational use associated with the ability to maintain wildlife populations will provide a positive economic benefit to Judith Basin County and Montana.

Issue 5. How big is the JRWMA going to get?

RESPONSE:

This is the last major acquisition planned for the JRWMA. Future fee title acquisitions that may be considered would be directed at cleaning up the JRWMA boundaries. These lands consist of a 10 acre parcel, an 80 acre parcel, and the mining property that bisects the southern portion of the WMA.

Issue 6. Why close the mountain lion season if the proposal property is purchased by the MFWP?

RESPONSE:

The proposal property's primary value to Montana sportsmen and women will be as a winter range for ungulates, primarily elk. The activity associated with lion hunting, particularly the hounds, would be detrimental to wildlife objectives for the JRWMA. The area will be wintering a large concentration of wildlife. Excessive human activity and/or hounds frequently utilizing the property during these times

would put an added stress on the animals, potentially causing them to lose weight more quickly, and very likely displacing the animals onto neighboring properties. Also, this management practice allows for the possibility of one or two mature male lions maintaining themselves in the area and thus providing for some natural density regulation by the driving out or killing of juvenile males. However, the size and shape of the JRWMA make it highly unlikely that any individual lion spends its entire time on the property so eventually the animal would make itself available for harvest.

Issue 6. Is the proposed management scenario an optimum use of elk?

RESPONSE:

As stated in the EA, the MFWP strategic plan states, "The long term future of elk depends on: (5) optimum use of available harvestable supplies of elk in some areas while limiting hunting in others to improve the quality of elk harvested." The proposal property is located in HD 420 which is a limited-entry elk hunting district. Thus the management scenario will be for limited hunting and not for optimum use as defined by the above strategic plan point #5.

Issue 7. The proposal is a poor excuse to expand your area for permit-only hunting.

RESPONSE:

The proposal property is located in HD 420 and is already under a limited-entry management regime for elk.

Issue 8. Current elk numbers seem to be an increase over figures reported in the past.

RESPONSE:

On a count conducted on 19 March 1999, 1,113 elk were counted on the JRWMA and immediately adjacent properties. This figure represents the total number of elk observed in HD's 420/448 in 1999. The average number of elk observed for this survey for the past 11 years is 1,095 elk. In the Judith River drainage, wintering elk numbers in excess of 900 animals have been observed periodically since the 1950's.

Issue 9. Concern expressed over the use of prescribed burning.

RESPONSE:

Prescribed burning is one of many management tools that may be utilized on the proposal property. Prescribed burning has been utilized successfully on the JRWMA in the past and is an accepted management practice in many regions in the U.S. Any prescribed burning that takes place on the proposal property will be done at times when the burn can be controlled, and with adequate manpower on the ground. A long term prescribed burning plan would be designed to help control conifer encroachment, remove old forage buildup and return the nutrients to the soil (thus enhancing forage production), and to provide wintering elk with an attractive spring green-up area. A long term plan would also take into account the needs of the plants and soils in order to maintain or promote their vigor and stability.

Issue 10. Concern over motorized use and road/parking lot development.

RESPONSE:

Motorized use for the proposal property will follow the guidelines already established for the JRWMA and are noted in the EA. Road/parking lot development will be kept at the minimum needed and ideally will make use of roads already existing on the property. Both would be designed so that they would need minimum maintenance and provide for a stable soil situation. Motorized use will be regulated so as not to conflict with wintering wildlife.

STIPULATION OF THIS RECORD OF DECISION DOCUMENT

The proposed Hughes Livestock Company/Dipping Vat Coulee acquisition is the last major acquisition planned for the JRWMA. Future fee title acquisitions that may be considered would be directed at cleaning up the JRWMA boundaries and further consolidating the property. These lands consist of a 10 acre parcel, an 80 acre parcel, and the mining property that bisects the southern portion of the WMA.

MODIFICATIONS TO ENVIRONMENTAL ANALYSIS AND MANAGEMENT PLAN

No modifications to the EA or the Management Plan are recommended.

DECISION

Utilizing the EA, Management Plan, Socio-Economic Assessment, and public comment, a decision must be rendered by MFWP which addresses the interests and issues identified for this proposed project. Given results of MFWP's analysis coupled with public comment, along with a stipulation regarding future potential fee title acquisitions for the JRWMA; good judgement indicates the purchase of the proposal property from the Harris Livestock Company is warranted. This property is a critical piece of winter range and consolidates JRWMA ownership. Subdivision of this property would be detrimental to the existing WMA and would compromise the long term ability of the MFWP to maintain elk numbers and elk related recreation in the Little Belt Mountains.

After review of this proposal and the corresponding public support and comment, it is my recommendation to purchase the Dipping Vat Coulee property and to include the stipulation identified in this document, subject to approval by the MFWP Commission.

Signed,



Mike Aderhold
Regional Supervisor
Great Falls, Montana
2 August 1999